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TO RUEHC/SECSTATE WASHDC PRIORITY 8617
INFO RUEHAH/AMEMBASSY ASHGABAT PRIORITY 2279
RUEHTA/AMEMBASSY ASTANA PRIORITY 0118
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RUEHEK/AMEMBASSY BISHKEK PRIORITY 4157
RUEHDBU/AMEMBASSY DUSHANBE PRIORITY
RUEHBUL/AMEMBASSY KABUL PRIORITY 7037
RUEHLO/AMEMBASSY LONDON PRIORITY 5505
RUEHNE/AMEMBASSY NEW DELHI PRIORITY 0795
RUEHFR/AMEMBASSY PARIS PRIORITY 4662
RUEHNT/AMEMBASSY TASHKENT PRIORITY 3012
RUEHKP/AMCONSUL KARACHI PRIORITY 5695
RUEHLH/AMCONSUL LAHORE PRIORITY 2103
RUEHPW/AMCONSUL PESHAWAR PRIORITY 0390
RUMICEA/USCENTCOM INTEL CEN MACDILL AFB FL PRIORITY
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SUBJECT: CHIEF JUSTICE CONTROVERSY: THE SUPREME COURT SET
TO TAKE CENTER STAGE

Classified By: Charge Peter Bodde 1.5 (b), (d).

11. (C) In an April 20 meeting, Aitzaz Ahsan, lead counsel for non-functioning Chief Justice Iftikhar Chaudhry, updated poloffs on the legal proceedings against his client. On April 18, Aitzaz appeared before the Supreme Judicial Council hearing Chaudhry's case and demanded that three justices on the Council recuse themselves due to conflicts of interest. (Note: One judge will become Chief Justice in six months if Chaudhry is removed from the court; one will be a candidate to fill the vacant seat; and one has been previously disciplined by Chaudhry. End Note.) The judges refused move the recusal petition to the top of the list of motions it was hearing. Believing it would be inimical to his client's interests for the Council to rule on other questions prior to ruling on the recusal motion, Aitzaz left the Council chambers and filed a petition with the Supreme Court of Pakistan. The petition, on which Aitzaz and his staff have worked for weeks, includes 132 constitutional questions, from the constitutionality of the makeup of the Council to conflicts of interest involving Council members. (Persons who wish to receive an electronic copy of the petition should e-mail DohertyRT@State.gov.)

THINGS TO WATCH

12. (C)

--On April 19, the Supreme Court delivered a copy of the petition to President Musharraf, who is named as the respondent in the matter. The President has not announced who will represent him before the Supreme Court, though the prevailing wisdom is it will be the Attorney General.

--According to Aitzaz, press reports that the Court might deny the petition are inaccurate. While the Registrar of the Court reportedly told some journalists that the petition was unacceptable, he has no authority to thwart the petition.

--The Supreme Court is scheduled to hear the petitioner and the respondent on April 24. Aitzaz expects the government may ask for more time.

--While the Supreme Judicial Council proceedings will continue, at least for the time being, Aitzaz noted that the Supreme Court case will take precedence. He expects the Council to greatly reduce its activity while the Supreme Court works on the Chief Justice's petition. All Supreme Court hearings will be in open court, and the petition itself is a public document.

CHANGES IN STREET TACTICS

13. (C) Aitzaz told poloffs that, as the weather becomes hotter, organizers will call for fewer protests outside the Supreme Court building. Instead, Chaudhry will appear at rallies around the country. He is scheduled to speak in Peshawar on April 21, and in Faisalabad later in the week. Aitzaz anticipates large crowds at these events.

BODDE